

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRENCE TRAMONTANA, ) No. C 10-4077 LHK (PR)  
Petitioner, ) ORDER OF TRANSFER  
vs. )  
WARDEN G. SWARTHOUT, )  
Respondent. )

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Petitioner, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He was convicted in the Superior Court of Contra Costa County, which is in this district, and is housed at California State Prison - Solano, Vacaville, which is in the Eastern District.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The petition challenges a denial of parole suitability by the Board of Parole Hearings. Because Petitioner's challenge goes to the execution of his sentence, this petition is TRANSFERRED to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). The Clerk shall terminate any pending motions and transfer the entire file to the Eastern District of California.

1 IT IS SO ORDERED.  
2 DATED: 9/26/10

  
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LUCY H. KOH  
United States District Judge